

AMENDED IN SENATE AUGUST 31, 2010  
AMENDED IN SENATE AUGUST 20, 2010  
AMENDED IN ASSEMBLY MARCH 25, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2600**

---

**Introduced by Assembly Member Ma  
(Coauthor: Assembly Member Lieu)**

February 19, 2010

---

An act to ~~amend Section 400 of~~ *add Section 400.1 to* the Family Code, relating to marriage and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 2600, as amended, Ma. Marriage: solemnization.

Existing law provides that a marriage may be solemnized by authorized persons of any religious denomination, by specified legislators, constitutional officers, and California Members of Congress, while those persons are currently holding that office, and by specified justices, judges, and magistrates, both current and retired.

This bill would authorize an elected mayor of a city, while that person holds that office, to solemnize a marriage ceremony, and would require the mayor to obtain and review from the county clerk all available instructions for marriage solemnization before the mayor first solemnizes a marriage.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 400.1 is added to the Family Code, to  
2     read:

3     400.1. In addition to the persons specified in Section 400,  
4     marriage may also be solemnized by a mayor of a city elected in  
5     accordance with Article 3 (commencing with Section 34900) of  
6     Chapter 4 of Part 1 of Division 2 of Title 4 of the Government  
7     Code, while that person holds office. The mayor shall obtain and  
8     review from the county clerk all available instructions for marriage  
9     solemnization before the mayor first solemnizes a marriage.

10    ~~SECTION 1. Section 400 of the Family Code is amended to~~  
11    ~~read:~~

12    ~~400. Marriage may be solemnized by any of the following who~~  
13    ~~is 18 years of age or older:~~

14    ~~(a) A priest, minister, rabbi, or authorized person of any religious~~  
15    ~~denomination:~~

16    ~~(b) A judge or retired judge, commissioner of civil marriages~~  
17    ~~or retired commissioner of civil marriages, commissioner or retired~~  
18    ~~commissioner, or assistant commissioner of a court of record in~~  
19    ~~this state:~~

20    ~~(c) A judge or magistrate who has resigned from office:~~

21    ~~(d) Any of the following judges or magistrates of the United~~  
22    ~~States:~~

23    ~~(1) A justice or retired justice of the United States Supreme~~  
24    ~~Court:~~

25    ~~(2) A judge or retired judge of a court of appeals, a district court,~~  
26    ~~or a court created by an act of Congress the judges of which are~~  
27    ~~entitled to hold office during good behavior:~~

28    ~~(3) A judge or retired judge of a bankruptcy court or a tax court:~~

29    ~~(4) A United States magistrate or retired magistrate:~~

30    ~~(e) A legislator or constitutional officer of this state or a Member~~  
31    ~~of Congress who represents a district within this state, while that~~  
32    ~~person holds office:~~

33    ~~(f) A mayor of a city elected in accordance with Article 3~~  
34    ~~(commencing with Section 34900) of Chapter 4 of Part 1 of~~  
35    ~~Division 2 of Title 4 of the Government Code, while that person~~  
36    ~~holds office. The mayor shall obtain and review from the county~~  
37    ~~clerk all available instructions for marriage solemnization before~~  
38    ~~the mayor first solemnizes a marriage:~~

1     SEC. 2. This act is an urgency statute necessary for the  
2 immediate preservation of the public peace, health, or safety within  
3 the meaning of Article IV of the Constitution and shall go into  
4 immediate effect. The facts constituting the necessity are:

5     In order to relieve the workloads of county clerks who currently  
6 deputize mayors as deputy commissioners of civil marriage prior  
7 to the solemnization of a marriage, and to provide citizens with  
8 more options as they choose their wedding officiants, it is necessary  
9 that this act take effect immediately.

O